

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PATRICIA KAMMEYER, et al.	:	CASE NO.: C-1-01-649
Plaintiffs,	:	Judge Spiegel
vs.	:	(Magistrate Black)
CITY OF SHARONVILLE, OHIO, et al.	:	DEFENDANT’S JOINT MEMORANDUM
Defendants.	:	IN OPPOSITION TO PLAINTIFFS’
		MOTION TO CONTINUE MOTIONS
		<u>HEARING (DOC 222)</u>

Contrary to Plaintiffs’ assertion, Defendants did provide reasons for their unwillingness to honor Plaintiffs’ request to continue the hearing set for February 24, 2005 to March 23, 2005. Those are: (1) the motion for summary judgment on the statute of limitations issues (“statute of limitation motion”) has been pending since October 22, 2004; (2) the ruling on the statute of limitation motion has already been twice postponed because of requests made by Plaintiffs; and (3) by March 23, 2005 Defendants’ separate motions for summary judgment on the substantive issues will have been pending for a month, and that will leave this Court with just over one month before the May 10, 2005 trial date to address and rule on several motions that raise numerous complex legal issues.

Without explanation, Plaintiffs’ assert that the statute of limitation motion “is one that must be argued by lead counsel for plaintiffs and others assisting on the case cannot assume this task.” In fact, one of Plaintiffs’ counsel, Attorney Laufman, has been the most active attorney for Plaintiffs in this case in that he has attended all of the depositions, handled almost all of the discovery, and drafted many of Plaintiffs’ papers. There is no reason why Attorney Laufman, who has significant court room experience and is intimately familiar with this case, cannot fully represent Plaintiffs’ interests on February 24, 2005.

Finally, at least two of Defendants' counsel are not available at 5:30 p.m. on February 24, 2005.

For these reasons Plaintiffs' Motion To Continue Motions Hearing should be denied.

Respectfully submitted,

s/Brian E. Hurley

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2005, a copy of the forgoing was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Brian E. Hurley
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